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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,682	02/10/2004	Jeffrey Estrella	02495.000008.1	9157
5514	7590	10/05/2005		
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER HYEON, HAE M	
			ART UNIT	PAPER NUMBER
			2839	
DATE MAILED: 10/05/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,682

Applicant(s)

ESTRELLA ET AL.

Examiner

Hae M. Hyeon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-39, 43 and 44 is/are rejected.
- 7) ☒ Claim(s) 40-42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>0905</u> |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 27 and 43 are objected to because of the following informalities:

- Claim 27, line 6, “the panel” should be -- a panel --.
- Claim 27, lines 7-8, “the opening” should be -- an opening --.
- Claim 43, line 2, “a housing” should be -- the housing --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claim 22 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the specification filed on February 10, 2004. In that paper, applicant has stated that the present invention is a bezel that is positioned within the opening and facilitates the optical connection between the module (or the connector) and the external device, and this statement indicates that the invention is different from what is defined in the claim(s) because claim 22 only recites a method for optically coupling an optical attenuator to a communication module disposed on an internal side of a panel. The present invention is not simply the method recited in claim 22. The invention is the use of a specially designed bezel to provide optical coupling between the optical attenuator and a communication module.

4. Claim 43 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 43, line 4 recites that an end of the optical attenuator is optically connecting to the optical coupler, but lines 5-6 recite, “**connects** an end of the optical attenuator to the optical coupler at or through a second end of the housing.” It seems that lines 5 and 6 are repeating the limitations recited in line 4.

5. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: positioning the mechanical bezel through the opening in the panel, and then positioning the optical coupler within the housing of the bezel.

According to the present specification, the page 1, **the present invention relates to a bezel**. The title of the invention recites that the present invention is “**Bezel** for fiber optic components.” The abstract recites, “**A bezel** for facilitating the connection ...” Clearly, the present invention is **the Bezel** and not the method of coupling an optical attenuator to a communication module. Furthermore, the present specification explains and the drawings show the optical coupler 24 being housed in the bezel 1 and the optical attenuator 22 being coupled to the couple 24 within the bezel 1. Thus, the bezel is an essential element.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 22-27, 31-38, 43 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Stephenson (US 6,188,827 B1).

The examiner is broadly interpreting one of the optical fiber connectors 22 as the communication module (One on the left side in Figure 1). Also, the examiner is broadly interpreting the ferrule sleeve 18 as the optical coupler because the optical couple of the instant invention is simply an element optically coupling two optical elements.

Stephenson discloses a method for optically coupling an optical attenuator 16 to a communication module 22 disposed on an internal side of a panel 20, comprising the steps of: optically coupling an optical coupler 18 to the communication module 22 through an opening 24 in the panel 20 and optically connecting an end of the optical attenuator 16 to the optical coupler 18, the optically couple the optical attenuator 16 to the communication module 22 through the optical coupler 18. A mechanical bezel 10 comprises a housing having a first portion 14 with an inner channel, and a second portion 12. The optical coupler 18 is positioned within the housing

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10. The bezel 10 is attached to the communication module 22 through the opening 24 of the panel 20. Figure 18 shows an external optical connector 22 (one on the right side) connecting to opposite end of the optical attenuator 16. Stephenson teaches, in column 4, lines 11-15, that the optical connector 22 can be SC connector. Therefore, the optical coupler 18 can be also SC connector coupler. In Figure 17, the optical attenuator 16 is located below a panel flange 54 and Figure 18 shows the panel flange 54 is located on the right side of the panel 20. Therefore, the optical attenuator 16 is located external side of the panel 20 since the left side of the panel is viewed as internal side of the panel 20. The housing of the bezel 10 includes a guiding member 70, 118 in the inner channel.

8. Claims 27-32, 34, 35 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Austin et al (US 6,186,670 B1).

Austin discloses a mechanical bezel 10 comprising a first housing portion 18 having an inner channel 28 extending in a direction of a line connecting first and second open ends (see Fig. 6 which shows an inner channel extending from one end of the bezel to the opposing end) of the first housing portion 18; a second portion 14 extending from the first open end of the first housing portion 18 and coupled to a communication module 100 disposed on an internal side of a panel 66 so that the first open end is closer to the communication module 100 than the second open end when at least a portion of the mechanical bezel is inserted at least partially through an opening 62 of the panel 66. The second open end includes a removable cover 48. The housing is positioned at an angle relative to the panel 66.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 18-21, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Austin et al (US 6,186,670 B1).

The examiner is broadly interpreting the FC style fiber connector 100 as the module.

Austin discloses a mechanical bezel 10 comprising a housing defining an interior portion 28, a first open end 25 insertable through an opening 62 of a communication panel 66 and configured to receive a first communication connection of a module 100 for connection with an external device 110; and a second open end 23 having an openable cover 48 and being configured to receive at least a second communication connection of the external device 110 for connection with the first communication connection when the openable cover 48 is open, without substantially disrupting operation of the module. The interior portion 28 is configured to house an SC optical coupler 120 for connecting the first communication connection of the module 100 to the second communication connection of the external device 110. The cover 48 is hinged to the housing. The housing is positioned at an angle relative to the panel 66. However, the first open end 25 of Austin is not inserted into the module. Instead, the module is inserted into the first open end.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the bezel taught by Austin such that the first open end is

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inserted into the module as taught by the instant invention because it only deals with reversal of parts since the coupling between the first open end of the bezel and the module does not change whether the first open end is inserted into the module or the module is inserted into the first open end. It has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

Allowable Subject Matter

11. Claims 40-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicant's arguments with respect to claims 18-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hae M. Hyeon whose telephone number is 571-272-2093. The examiner can normally be reached on Mon.-Fri. (8:30-5:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tulsidas C. Patel can be reached on (571) 272-2098. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hae M Hyeon
Primary Examiner
Art Unit 2839

hnh

hnh

Hae Moon Hyeon